

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

RECO ENGLISH,
Petitioner,

vs.

WARDEN, NOBLE
CORRECTIONAL INSTITUTION,
Respondent.

Case No. 1:11-cv-675

Spiegel, J.
Litkovitz, M.J.

ORDER

This matter is before the Court on petitioner's motion to modify custodian. (Doc. 8). In the motion, petitioner asks the Court to transfer him to another institution. *Id.* at 1. He indicates that he is currently on the transfer list to be transferred from Noble Correctional Institution, where he is currently incarcerated, to London Correctional Institution.¹ Petitioner claims the transfer would give him "the ability to use law books and receive adequate help that is not offered at [Noble Correctional Institution]." *Id.* at 2.

To the extent that petitioner seeks an order of transfer from this Court, his motion is denied. It is well-settled that correctional departments are granted great discretion in determining where to house inmates and inmates have no constitutional right to be housed in any particular institution. *See McKune v. Lile*, 536 U.S. 24, 26 (2002) ("The decision where to house inmates is at the core of prison administrators' expertise.") (citing *Meachum v. Fano*, 427 U.S. 215, 225 (1976)); *Ward v. Dyke*, 58 F.3d 271, 274 (6th Cir. 1995) ("Holding that arrangements like this [transfers to another prison] are within the reach of the procedural protections of the Due Process Clause would place the Clause astride the day-to-day functioning of state prisons and involve the judiciary in issues and

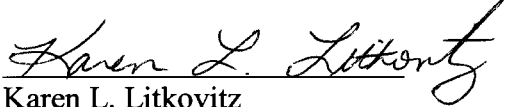
¹ The Ohio Department of Rehabilitation and Correction offender search indicates that petitioner is currently incarcerated at the Noble Correctional Institution. (Found at <http://www.drc.ohio.gov/offendersearch/search.aspx>).

discretionary decisions that are not the business of federal judges.”) (quoting *Meachum*, 427 U.S. at 228-29). Accordingly, petitioner’s motion (Doc. 8) is **DENIED**.

Should petitioner be transferred during the pendency of his habeas petition, he is directed to inform the Court of his change of address. At that time, the Court will modify the custodian to reflect the proper respondent in this action. See Rule 2, Rules Governing Section 2254 Cases in the United States District Courts, 28 U.S.C. foll. § 2254.

IT IS SO ORDERED.

Date: 7/5/12


Karen L. Litkovitz
United States Magistrate Judge